

By: Watson

S.B. No. 1500

A BILL TO BE ENTITLED

AN ACT

relating to liability for the death of a pet.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 87A to read as follows:

CHAPTER 87A. LIABILITY FOR DEATH OF PET

Sec. 87A.001. DEFINITIONS. In this chapter:

(1) "Governmental unit" has the meaning assigned by Section 42.001.

(2) "Pet" means a domesticated animal, including a cat or dog, that is owned by an individual and kept in or near the household of the individual for the primary purpose of companionship.

Sec. 87A.002. LIABILITY. (a) A person is liable as provided by Subsection (b) if:

(1) the person engages in conduct that intentionally causes the death of a pet;

(2) a reasonable person would not consider the pet to be likely to:

(A) cause bodily injury to any person;

(B) attack livestock, domestic animals, or fowls; or

(C) damage real or personal property;

(3) the pet was not:

- 1                   (A) causing bodily injury to any person;
- 2                   (B) attacking livestock, domestic animals, or
- 3 fowls; or
- 4                   (C) damaging real or personal property; and
- 5           (4) the pet had not recently:
  - 6                   (A) caused bodily injury to any person;
  - 7                   (B) attacked livestock, domestic animals, or
  - 8 fowls; or
  - 9                   (C) damaged real or personal property.

10           (b) A person who is liable under Subsection (a) is liable to  
11 the pet's owner for damages and any other appropriate relief for the  
12 loss of companionship or society of the pet.

13           Sec. 87A.003. DAMAGES. (a) In an action for the death of a  
14 pet under this chapter, damages, including noneconomic and  
15 exemplary damages, shall be at least \$500 but not more than \$5,000  
16 for each pet.

17           (b) Noneconomic damages awarded under this chapter are  
18 solely for the loss of reasonably expected companionship or society  
19 of the pet. This section may not be construed to limit the amount of  
20 damages recoverable in any other cause of action.

21           Sec. 87A.004. APPLICABILITY. (a) This chapter does not  
22 apply to the official act or omission of a nonprofit entity or a  
23 governmental unit or to an employee or officer of a nonprofit entity  
24 or governmental unit.

25           (b) This chapter may not be construed to provide for the  
26 recovery of noneconomic damages from a licensed veterinarian in an  
27 action for veterinary malpractice or negligence.

1           SECTION 2. Chapter 87A, Civil Practice and Remedies Code,  
2 as added by this Act, applies only to conduct that occurs on or  
3 after the effective date of this Act. Conduct that occurs before  
4 the effective date of this Act is governed by the law in effect  
5 immediately before that date, and that law is continued in effect  
6 for that purpose.

7           SECTION 3. This Act takes effect September 1, 2011.